

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

EBER G. RUTH,

Plaintiff,

v.

THOMPSON WEST GROUP
PUBLISHING, et al.,

Defendants.

No. 1:23-cv-01231-JLT-SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Docs. 7 & 8)

ORDER REQUIRING PLAINTIFF TO PAY
FILING FEE IN FULL WITHIN THIRTY
DAYS

Plaintiff Eber G. Ruth is a state prisoner proceeding *pro se* with this civil rights action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 8, 2023, the assigned magistrate judge entered findings and recommendations, recommending that Plaintiff's motion to proceed in forma pauperis (Doc. 7) be denied, pursuant to 28 U.S.C. § 1915(g), and that Plaintiff be ordered to pay the \$402.00 initial filing fee in full to proceed with this action. (Doc. 8 at 3.)

Plaintiff was provided an opportunity to file objections to the findings and recommendations. The deadline to file objections has passed, and Plaintiff has not filed objections or otherwise responded to the findings and recommendations.¹

¹ Plaintiff did, however, file a notice of appeal on September 19, 2023. (Doc. 9.) On December

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the
3 magistrate judge's findings and recommendations are supported by the record and by proper
4 analysis.

5 Accordingly,

- 6 1. The findings and recommendations issued on September 8, 2023 (Doc. 8), are
7 **ADOPTED IN FULL.**
- 8 2. Pursuant to 28 U.S.C. § 1915(g), Plaintiff is not allowed proceed *in forma*
9 *pauperis* in this action and his motion (Doc. 7) is **DENIED.**
- 10 3. If Plaintiff wants to proceed with this action, Plaintiff **SHALL** pay the \$402 filing
11 fee in full within thirty days of the date of service of this order. If Plaintiff does not
12 timely pay the filing fee, this matter may be dismissed without further notice.

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14 IT IS SO ORDERED.

15 Dated: **December 18, 2023**


UNITED STATES DISTRICT JUDGE

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15, 2023, the United States Court of Appeals for the Ninth Circuit dismissed Plaintiff's appeal for lack of jurisdiction. (Doc. 12.)